

### TELEFAX COVER SHEET

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\*

### THIS MESSAGE HAS 12 PAGES INCLUDING THIS SHEET

TO:

Commissioner of Patents

FAX NO.: (703) 872-9315

FROM:

Eamon Wall

DATE:

12/18/02

MATTER:

USSN 09/458,896; Attorney Docket No.: DIVA/038

True copies of our October 1, 2002 response to the Office Action mailed September 16, 2002 are enclosed. Although we received the PTO Auto-Reply Facsimile Transmission (copy enclosed), the Examiner advised today that the response is not logged in. PLEASE ADVISE.

Thank you.

#### ATTORNEY/CLIENT PRIVILEGED MATERIAL

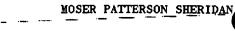


## TELEFAX COVER SHEET

# MOSER, PATTERSON & SHERIDAN, LLP

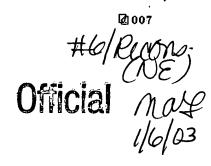
ATTORNEYS AT LAW 595 SHREWSBURY AVENUE FIRST FLOOR SHREWSBURY, NJ 07702 TELEPHONE (732) 530-9404 TELEFAX (732) 530-9808

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Please type a plus sign (+) inside this box =	→ ±	2.U Jest of beriup	Approved Patent and Trademark ( and to a collection of Inform	PTO/SB/21 (08-00) for use through 10/31/2002. OMB 0851-0031 Office: U.S. DEPARTMENT OF COMMERCE ation unless it displays a valid OMB control number.	
Outres, the LabelMoly vegreen 135 2		Application Number		09/458,896	
TRANSMITTAL	Filing Date		12/10/99		
FORM	First Named Inventor		Bertram		
(to be used for all correspondence after initial filing)		Group A		2665	
			er Name	M. Molinari	
Total Number of Pages In This Submission		Attorne	y Docket Number	DIVA/038	
			OSURES (check all that apply)		
Fee Transmittal Form	Assignment Papers (for an Application)			After Allowance Communication to Group	
Fee Attached	Drawit	ng(a)		Appeal Communication to Board of Appeals and Interferences	
✓ Amendment / Response	Licensing-related Papers			Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)	
After Final	Petition Routing Slip (PTO/SB/69) and Accompanying Petition			Proprietary Information	
Affidavits/declaration(s)	Petition to Convert to a Provisional Application			Status Letter	
Extension of Time Request	Power of Attorney, Revocation Change of Correspondence Address			Other Enclosure(s) (please identify below):	
Express Abandonment Request		inal Disclei est for Refi			
information Disclosure Statement	CD, N	lumber of (	CD(s)		
Certified Copy of Priority Document(s) Rem		arks	The Commissioner is authorized to charge any underpayment or credit any overpayment of fees (including but not ilmited to any extension fees pursuant to 1.136(a)), to Deposit Account 20-0782. A duplicate copy of this transmittal is attached.  Applicants do not believe that any additional fee is due.		
Response to Missing Parts/ Incomplete Application			,		
Response to Missing Parts under 37 CFR 1.52 or 1.53					
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT					
Firm or Individual name Eamon J. Wall, Reg. No. 39,414					
Signature EMJall					
Date // / 02					





# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#### PATENT APPLICATION

Applicant(s):

Bertram et al.

Case:

**DIVA/038** 

Serial No.:

09/458,896

Filed: December 10, 1999

**Group Art Unit:** 

2665

Examiner:

Molinari, Michael J.

Title:

METHOD AND APPARATUS FOR INJECTING INFORMATION

ASSETS INTO A CONTENT STREAM

COMMISSIONER FOR PATENTS Washington, D. C. 20231

SIR:

### RESPONSE UNDER 37 C.F.R. §1,116

In response to the final Office Action mailed September 16, 2002 (Paper No. 5), please consider the above-identified patent application as follows.

#### **REMARKS**

This response is intended as a full and complete response to the final Office Action dated September 16, 2002. In the final Office Action, the Examiner notes that claims 1-17 are pending, of which claims 1-17 stand rejected.

In view of the following discussion, the applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. It is to be understood that the applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the applicants' subject matter recited in the present claims. Thus, the applicants believe that all of these claims are now in allowable form.

1. <u>35 U.S.C. §102</u> Claims 1-4, 6-8, and 10-16